

House Study Bill 542 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to the practice of optometry.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.108, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. After contact lenses have been adequately adapted and
4 the patient released from initial follow-up care by a person
5 licensed under chapter 148 or 154, the patient may request
6 a copy, at no cost, of the contact lens prescription from
7 that licensed person. A person licensed under chapter 148 or
8 154 shall not withhold a contact lens prescription after the
9 requirements of this section have been met. The prescription,
10 at the option of the prescriber, may be given orally only to a
11 person who is actively practicing and licensed under chapter
12 148, 154, or 155A. The contact lens prescription shall contain
13 an expiration date, at the discretion of the prescriber, but
14 not to exceed eighteen months. The contact lens prescription
15 shall contain the necessary requirements of the ophthalmic
16 lens, and the prescription validation requirements as defined
17 by rules adopted pursuant to this section. The prescription
18 may contain adapting and material guidelines and may also
19 contain specific instructions for use by the patient. For
20 the purpose of this section, "*ophthalmic lens*" means one which
21 has been fabricated to fill the requirements of a particular
22 contact lens prescription, including pharmaceutical-delivering
23 contact lenses as defined in section 154.1, subsection 4 3.

24 Sec. 2. Section 154.1, Code 2011, is amended to read as
25 follows:

26 **154.1 Board defined — optometry — ~~diagnostically certified~~**
27 **~~licensed optometrists — therapeutically certified optometrists~~**
28 **licensed optometrists.**

29 1. As used in this chapter, "*board*" means the board of
30 optometry created under chapter 147.

31 2. For the purpose of this subtitle, the following classes
32 of persons shall be deemed to be engaged in the practice of
33 optometry:

34 a. Persons employing any means ~~other than the use of drugs,~~
35 ~~medicine, or surgery~~ for the measurement of the visual power

1 and visual efficiency of the human eye; persons engaged in
2 the prescribing and adapting of lenses, prisms, and contact
3 lenses; ~~and~~ persons engaged in the using or employing of visual
4 training or ocular exercise for the aid, relief, or correction
5 of vision; and persons employing the use of medicines and
6 procedures for the purposes of diagnosis and treatment of
7 diseases or conditions of the eye and adnexa.

8 *b.* Persons who allow the public to use any mechanical device
9 for a purpose described in paragraph "a".

10 *c.* Persons who publicly profess to be optometrists and to
11 assume the duties incident to the profession.

12 ~~3. Diagnostically certified licensed optometrists may~~
13 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~
14 ~~diagnostic agents topically applied to determine the condition~~
15 ~~of the human eye for proper optometric practice or referral~~
16 ~~for treatment to a person licensed under chapter 148. A~~
17 ~~diagnostically certified licensed optometrist is an optometrist~~
18 ~~who is licensed to practice optometry in this state and who is~~
19 ~~certified by the board to use diagnostic agents.~~

20 ~~4. 3. a. Therapeutically certified optometrists~~ An
21 optometrist licensed under this chapter may employ all
22 diagnostic and therapeutic pharmaceutical agents for the
23 purpose of diagnosis and treatment of conditions of the human
24 eye and adnexa pursuant to this subsection, excluding the
25 use of injections other than to counteract an anaphylactic
26 reaction, and notwithstanding section 147.107, may without
27 charge supply any of the above pharmaceuticals to commence a
28 course of therapy. A licensed optometrist may perform minor
29 surgical procedures and use medications for the diagnosis and
30 treatment of diseases, disorders, and conditions of the eye and
31 adnexa. A license to practice optometry under this chapter
32 does not authorize the performance of surgical procedures
33 which require the use of injectable or general anesthesia or
34 penetration of the globe or the use of ophthalmic lasers for
35 the purpose of ophthalmic surgery within or upon the globe.

1 ~~b. Therapeutically certified optometrists~~ A licensed
2 optometrist may employ and, notwithstanding section 147.107,
3 supply pharmaceutical-delivering contact lenses for the
4 purpose of treatment of conditions of the human eye and adnexa.
5 For purposes of this paragraph, "*pharmaceutical-delivering*
6 *contact lenses*" means contact lenses that contain one or more
7 therapeutic pharmaceutical agents authorized for employment
8 by this section for the purpose of treatment of conditions of
9 the human eye and adnexa and that deliver such agents into the
10 wearer's eye.

11 ~~c. Therapeutically certified optometrists~~ A licensed
12 optometrist may prescribe oral steroids for a period not to
13 exceed fourteen days without consultation with a physician.
14 ~~Therapeutically certified optometrists shall not prescribe oral~~
15 ~~Imuran or oral Methotrexate.~~

16 ~~d. Therapeutically certified optometrists~~ A licensed
17 optometrist may be authorized, where reasonable and
18 appropriate, by rule of the board, to employ new diagnostic and
19 therapeutic pharmaceutical agents approved by the United States
20 food and drug administration on or after July 1, 2002, for the
21 diagnosis and treatment of the human eye and adnexa.

22 ~~e. The board shall~~ is not be required to adopt rules
23 relating to topical pharmaceutical agents, oral antimicrobial
24 agents, oral antihistamines, oral antiglaucoma agents, and
25 oral analgesic agents. ~~Superficial~~ A licensed optometrist may
26 remove superficial foreign bodies ~~may be removed~~ from the human
27 eye and adnexa.

28 ~~f. The therapeutic efforts of a therapeutically certified~~
29 licensed optometrist are intended for the purpose of
30 examination, diagnosis, and treatment of visual defects,
31 abnormal conditions, and diseases of the human eye and adnexa,
32 for proper optometric practice or referral for consultation or
33 treatment to persons licensed under chapter 148.

34 ~~g. A therapeutically certified~~ licensed optometrist is
35 an optometrist who is licensed to practice optometry in this

1 state and who is certified by the board to use the agents and
2 procedures authorized pursuant to this subsection.

3 ~~5.~~ 4. Beginning July 1, 2012, all licensed optometrists
4 shall meet requirements established by the board by rule to
5 employ diagnostic and therapeutic pharmaceutical agents for the
6 practice of optometry. All licensees practicing optometry in
7 this state shall have demonstrated qualifications and obtained
8 certification to use diagnostic and therapeutic pharmaceutical
9 agents as a condition of license renewal.

10 Sec. 3. Section 154.10, Code 2011, is amended to read as
11 follows:

12 **154.10 Standard of care.**

13 ~~1. A diagnostically certified licensed optometrist~~
14 ~~employing diagnostic pharmaceutical agents as authorized by~~
15 ~~section 154.1 shall be held to the same standard of care in the~~
16 ~~use of such agents and in diagnosis as is common to persons~~
17 ~~licensed under chapter 148 in this state.~~

18 ~~2. A therapeutically certified person licensed as an~~
19 ~~optometrist employing pharmaceutical agents as authorized~~
20 ~~by section 154.1 pursuant to this chapter shall be held to~~
21 ~~the same standard of care in the use of such agents and in~~
22 ~~diagnosis and treatment as is common to persons licensed under~~
23 ~~chapter 148 in this state.~~

24 Sec. 4. Section 155A.21, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. Subsection 1 does not apply to a licensed pharmacy,
27 licensed wholesaler, physician, veterinarian, dentist,
28 podiatric physician, ~~therapeutically certified optometrist,~~
29 advanced registered nurse practitioner, physician assistant,
30 a nurse acting under the direction of a physician, or the
31 board of pharmacy, its officers, agents, inspectors, and
32 representatives, or to a common carrier, manufacturer's
33 representative, or messenger when transporting the drug or
34 device in the same unbroken package in which the drug or device
35 was delivered to that person for transportation.

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EXPLANATION

2 Under current law, only an optometrist who has been
3 therapeutically certified by the board of optometry can employ
4 all diagnostic and therapeutic pharmaceutical agents for the
5 purpose of diagnosis and treatment of conditions of the human
6 eye and adnexa. This bill eliminates the requirements for
7 special certification.

8 Current law also requires that beginning July 1, 2012, all
9 licensed optometrists shall meet requirements established
10 by the board by rule to employ diagnostic and therapeutic
11 pharmaceutical agents for the practice of optometry. All
12 licensees practicing optometry in this state shall have
13 demonstrated qualifications and obtained certification to use
14 diagnostic and therapeutic pharmaceutical agents as a condition
15 of license renewal.